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Counsel for Defendant,  
Bodega Latina Corporation, dba El Super

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

GLORIA REYES, individual,

CASE NO:

Plaintiff,

vs.

BODEGA LATINA CORPORATION, d/b/a  
EL SUPER, DOES I – V, inclusive, ROE  
CORPORATIONS I – V, inclusive

Defendants.

**NOTICE OF REMOVAL**

To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
Defendant, Bodega Latina Corporation, dba El Super, hereby notice the removal  
of this action to the United States District Court and, in support thereof, states as  
follows:

1. On or about November 30, 2016, Plaintiff commenced an action in the  
Eighth Judicial District Court, Clark County, Nevada, entitled *Gloria Reyes v. Bodega  
Latina Corporation, dba El Super*, Case No. A-16-747368-C. A copy is attached as  
Exhibit <sup>i</sup>. In the Complaint at ¶1, Plaintiff alleges that Plaintiff is a resident of the State of  
Nevada.

2. Service of Summons and Complaint upon Defendant Bodega Latina  
Corporation, dba El Super was made by personal service on December 5, 2016. A  
copy is attached as Exhibit <sup>ii</sup>.

3. On December 14, 2016, Defendant Bodega Latina Corporation Answered

NOTICE OF REMOVAL

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1 the Complaint. A copy is attached as Exhibit <sup>iii</sup>.

2 4. On January 3, 2017, a Request for Exemption from Arbitration was  
3 requested by Plaintiff's counsel Zoe Terry, Esq. A copy is attached as Exhibit <sup>iv</sup>.

4 5. No further proceedings have been had in this matter in the Eighth Judicial  
5 District Court, Clark County, Nevada.

6 6. This Court has original jurisdiction over the subject matter of this action  
7 pursuant to 28 U.S.C. §1332. Further, this matter is one that may be removed to this  
8 Court pursuant to 28 U.S.C. §1441 because it is a civil action that is between citizens of  
9 different states and in which the amount in controversy exceeds \$75,000, exclusive of  
10 interest and costs.

11 7. Plaintiff alleges in her Complaint that she was and is, at all times relevant  
12 therein, a resident of Clark County, Nevada.

13 8. Defendant Bodega Latina Corporation is a Delaware Corporation  
14 headquartered in Paramount, California.

15 9. DOES I-V and ROE CORPORATIONS I-V are named and sued fictitiously  
16 and their citizenship is disregarded as a matter of law for purposes of removal on  
17 grounds of diversity jurisdiction.

18 10. There is now complete diversity between Plaintiff and Defendant Bodega  
19 Latina Corporation.

20 11. The Complaint alleges claims for Negligence.

21 12. In her Complaint, Plaintiff prays for recovery of general and special  
22 damages, lost earnings, in an amount in excess of Ten Thousand Dollars (\$10,000.00);  
23 attorney's fees and costs, and for such other and further relief as the Court deems just  
24 and proper.

25 13. In addition, in her Request for Exemption from Arbitration filed on January  
26 3, 2017 in the Eighth Judicial District Court, Plaintiff identified her past medical special  
27 damages which incurred approximately \$82,160.66 and that she will incur additional  
28 medical expenses and states she is still receiving medical treatment and Dr. Cirella has

1 recommended back surgery. Thus, based on the allegations in the complaint and the  
2 representations made by the Plaintiff in the Request for Exemption from Arbitration, the  
3 value of the amount in controversy exceeds \$75,000.00.

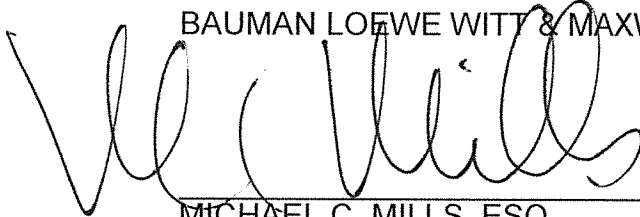
4 14. More than 30 days have passed since notice of lawsuit was served.  
5 However, prior to litigation, Plaintiff did not make Defendant aware of the value of the  
6 Plaintiff's claim. Neither Plaintiff nor her attorney presented a pre-litigation demand and  
7 did not share information about Plaintiff's medical expenses prior to January 3, 2017.

8 15. A true and correct copy of this Notice of Removal is being filed on this  
9 date with the Clerk of the Eighth Judicial District Court, Clark County, Nevada.

10 Based on the foregoing, Defendant Bodega Latina Corporation, hereby removes  
11 the above-referenced action now pending in the Eighth Judicial District Court, in and for  
12 the County of Clark, as Case No. A-16-747368-C to this Court.

13 DATED this 4<sup>th</sup> day of January 2017.

14 BAUMAN LOEWE WITT & MAXWELL



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Attorney for Defendant,  
Bodega Latina Corporation, dba El Super

- 21 i Plaintiff's Complaint  
22 ii Summons and Affidavit of Service  
23 iii Defendant's Answer to Complaint  
24 iv Plaintiff's Request for Exemption  
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